

Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 environmental law.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 14-28-1-26.5 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26.5. (a) This section
- 8 applies to the following activities:
- 9 (1) The placement or replacement of a mobile home within a
- 10 boundary river floodway.
- 11 (2) The repair of a residence that:
- 12 (A) is located in a boundary river floodway; and
- 13 (B) has been damaged by floodwaters or another means;
- 14 except for the reconstruction of a residence to which section 25 of
- 15 this chapter applies.
- 16 (3) The construction of an:

- 1 (A) addition to; or
- 2 (B) improvement of;
- 3 a residential structure within a boundary river floodway.
- 4 **(4) The construction of a new residence within a boundary**
- 5 **river floodway.**
- 6 (b) The federal regulations that:
 - 7 (1) were adopted by the director of the Federal Emergency
 - 8 Management Agency to implement the National Flood Insurance
 - 9 Act (42 U.S.C. 4001 et seq.);
 - 10 (2) are published in 44 CFR Parts 59 through 60; and
 - 11 (3) are in effect on January 1, 1997;
- 12 are adopted as the criteria for determining whether an activity referred
- 13 to in subsection (a) is allowed in Indiana. **However, the lowest floor**
- 14 **of a new residence constructed within a boundary river floodway**
- 15 **referred to in subsection (a)(4) must be at least two (2) feet above**
- 16 **the one hundred (100) year frequency flood elevation.**
- 17 (c) A person who wishes to perform an activity referred to in
- 18 subsection (a) is authorized to perform the activity if:
 - 19 (1) the federal regulations described in subsection (b) as the
 - 20 governing criteria allow the activity; and
 - 21 (2) the person obtains a permit for the activity under this section.
- 22 (d) To obtain a permit for an activity referred to in subsection (a),
- 23 a person must:
 - 24 (1) file with the director a verified written application for a permit
 - 25 on a form provided by the department; and
 - 26 (2) pay to the department a nonrefundable fee of ten dollars (\$10).
- 27 (e) An application filed under this section must:
 - 28 (1) set forth the material facts concerning the proposed activity;
 - 29 and
 - 30 (2) in the case of an activity described in subsection (a)(1), ~~or~~
 - 31 (a)(3), **or (a)(4)**, include plans and specifications for the
 - 32 construction, reconstruction, or repair.
- 33 (f) If an application submitted under this section meets the
- 34 requirements set forth in subsections (d) and (e), the director may not
- 35 reject the application unless the regulations adopted as the governing
- 36 criteria under subsection (b) do not allow the activity.
- 37 (g) If the federal regulations adopted as the governing criteria under
- 38 subsection (b) authorize a type of activity only when certain conditions

1 are met, a permit that the director issues for that type of activity may
 2 require the applicant, in carrying out the activity, to meet the same
 3 conditions.

4 (h) If:

5 (1) there is a dispute under this section about the elevation of a
 6 site; and

7 (2) the elevation of the site has been determined by a registered
 8 land surveyor;

9 the elevation determined by the registered land surveyor must be used
 10 as the accepted elevation."

11 Page 2, delete lines 5 through 6.

12 Page 2, line 7, delete "(8)" and insert "(7)".

13 Page 2, line 9, delete "(9)" and insert "(8)".

14 Page 2, line 10, delete "(10)" and insert "(9)".

15 Page 2, between lines 12 and 13, begin a new line block indented
 16 and insert:

17 **"(10) The director of the law enforcement division of the**
 18 **department of natural resources or the director's designee."**

19 Renumber all SECTIONS consecutively.

(Reference is to SB 114 as reprinted January 24, 2003.)

and when so amended that said bill do pass.

Representative Bottorff